

BURGESS & PORTER LAW, LLC

April 27, 2023

Hon. David H. Urias
United States District Court
Pete V. Domenici United States Courthouse
333 Lomas Blvd NW, Suite 780
Albuquerque, NM, 87102
UriasChambers@nmd.uscourts.gov

RE: USA v. Johnathan Craft, et.al. 19-cr-1631 Jury Selection Review

Dear Judge Urias:

First, thank you for the opportunity for my office to review the juror empaneling and selection process here in the District of New Mexico. Along the lines of our motion to strike the April 24th juror panel and evaluate the selection process, we respectfully ask the Court to grant us permission to obtain and review the following information from the Court Clerk's jury division personnel:

1. Briefing on how master juror wheel is generated each two-year session for both grand jurors and petit jurors.
2. Copies of the Master Jury Wheel from the years between 2000 to 2023.
3. Briefing on sources of information for drafting Master Jury Wheel and how voter registration information is obtained from each county in New Mexico.
4. Briefing on ability to integrate juror lists from Southern New Mexico lists given potential better representation of African Americans in those counties.
5. Briefing on how ethnicity of potential jurors is discovered and/or recorded.
6. Briefing on how juror venires are selected from the Master Jury Wheel.
7. Briefing on how potential jurors are de-selected or disqualified.
8. Briefing on how juror qualification forms are created and distributed.
9. Briefing on how returned juror qualification forms are recorded.
10. Briefing on how undelivered juror qualification forms are investigated and/or recorded.
11. Briefing on process for excusing or deferring jurors from jury service.
12. Explanation of how jury division complies with "fair section of community" requirements of Jury Selection and Service Act (28 USC § 1861 et. seq.)

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Given the private nature of some of the juror information, we will propose a Protective Order over all reviewed materials that have private juror information. Please let me know if the Court wishes to have such a protective order put in place. I will then draft one and forward it to the court.

To ensure a thorough review of the jury selection process currently in place at the federal court, it is our intention to seek the assistance of other potential stakeholders for this endeavor. The potential stakeholders include: The University of New Mexico, African American Studies Department, UNM Statisticians, the New Mexico Association of Black Lawyers, and the American Civil Liberties Union (ACLU).

Please let me know when the access to the information requested above and briefings can be arranged at the Court's earliest convenience.

Regards,

A handwritten signature in dark ink, appearing to read 'B. Porter', with a stylized flourish at the end.

Barry G. Porter
Attorneys at Law
Burgess & Porter Law, LLC

cc: Letitia Simms, AUSA
Jack Burkhead, AUSA